IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

Bail Appl..No. 5419 of 2007()

CMP.1951/2007 of J.M.F.C.,PARAPPANANGADI
CRIME NO.391/07 OF TANOOR POLICE STATION

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PETITIONER : ACCUSED

BASHEER, S/O. HUSSAIN
KANNAKATH HOUSE,
OSSAN KADAPPURAM, TANOOR,
MALAPPURAM

BY ADV. SRI.DILIP MOHAN
SMT.GEETHA G.NAIR

RESPONDENTS: STATE

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1. STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM

2. DEPUTY SUPERINTENDENT OF POLICE
TIROOR, MALAPPURAM

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.5419 of 2007

Dated this the 13th day of September, 2007

ORDER

Application for regular bail. The petitioner faces allegations for offences punishable under Sections 498 A and 306 I.P.C. The petitioner is the husband of the deceased. Their marriage took place in 1993. 4 children were born in the wedlock. Unable to stand the physical and mental cruelty inflicted on her, the deceased allegedly committed suicide on 20.07.07. After pouring kerosene on her she set herself ablaze. It is the case of the prosecution that matrimonial cruelty of the culpable variety emanating from the petitioner had prompted the deceased to commit suicide. The petitioner was arrested on 26.08.07. He continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The petitioner was also present at the scene. He had also suffered burn injuries in his attempt to save the deceased. He was also hospitalised. The petitioner may, in these circumstances, be enlarged on bail, prays the learned counsel for the petitioner.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the case diary reveals the

gruesome tale of physical and mental cruelty inflicted on the deceased by the petitioner. Such cruelty was inflicted even on the date of the suicide. The children of the couple have spoken about the alleged cruelty of the petitioner to the police. In any view of the matter, considering the seriousness and gravity of the offences alleged and the stage of the evidence, the petitioner may not be granted bail at this early stage. Investigator in a serious crime like this may be given reasonable time to complete the investigation, submits the learned Public Prosecutor .

4. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. I am satisfied that in a crime like this, the investigator must be given reasonable further time to complete the investigation.

5. This application for regular bail is, in these circumstances, dismissed, but with the observation that the petitioner shall be at liberty to move this Court for bail again at a later stage of the investigation - not, at any rate, prior to 26.09.07. The investigator shall in the meantime make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

rtr/-